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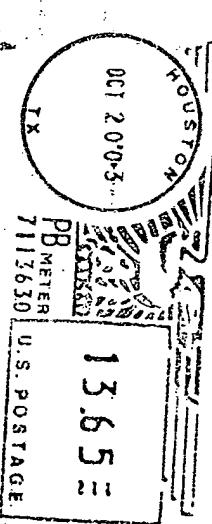
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1279761000 Mail Declaration

Attorney(s): Jennifer S. Sickler **Check Amount:**
Client/Matter#: 127976-1000 **Serial/Patent No.:** 10/664,737
Title: Vehicle Based Data Collection and Processing System
Inventor(s): Chester L. Smitherman, et al.
Assignee: M7 Visual Intelligence, LP
Today's Date: 10/20/03 **Due Date:** **Issue Date:**
Date Filed with USPTO: 9/18/03

APPLICATION FOR PATENT [Check all items that apply]:

Spec 41 pages Claims 6 pages
 Drawings 14 Sheets
 Declaration Oath Power
Tuy Vu Mai
 Verified Statement
 Assignments (3) copies
 Continuation Divisional
 CIP Application
 Preliminary Amendment
 Information Disclosure Statement
 Utility Transmittal
 Fee Calculation Transmittal
 Amendment After Final

Issue Fee Transmittal
 Letter
 Notice of Appeal
 Brief
 Maintenance Fee Transmittal Form
 Other:
 Response
 Status Request
 Change of Fee Address Indication Form
 Express Mail EV322135586US
 Certificate of Mailing
 First Class Mail

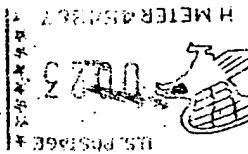
Attorney(s): Jennifer S. Sickler **Check Amount:**
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1000 LOUISIANA STREET, SUITE 3400
 INTELLIGENT PROPERTY SECTION
 GARDERE WYNNE SWEET, LLP
 JENNIFER S. SICKLER



THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.:

10/664,737

Filed:

September 18, 2003

Inventor:

Chester L. Smitherman
Leo J. Peters III
Tuy Vu Mai

Title:

Vehicle Based Data Collection and Processing System

Assignee:

M7 Visual Intelligence, LP

Group Art Unit:

3661

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Customer No.:

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Examiner:

Unknown

OFFICE OF PETITIONS

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF EXPRESS MAILING

Dear Sir:

I hereby certify that the following documents, which are attached, are being deposited under 37 CFR 1.10, with the United States Postal Service "Express Mail Post Office to Addressee" service as Express Mail No. EV 480190868 US in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

- (1) Response to Notice of Incomplete Reply (Nonprovisional);
- (2) Petition Under 37 CFR § 1.47(a) – Refusal to Sign, with
 - a. Exhibit 1, *copy* of Assignments from inventors; Visual Intelligence Systems, Inc.; and VISI Technology;
 - b. Exhibit 2, *copy* of Appointment of Attorneys Under 37 CFR 3.71 and 3.73;
 - c. Exhibit 3, *copy* of Declarations;
 - d. Exhibit 4, *copy* of September 26, 2003 letter to Leo J. Peters III; and
 - e. Declaration of R. Bradford Perry;
- (3) Petition for Extension of Time;
- (4) *Copy* of Notice of Incomplete Reply (Nonprovisional);
- (5) Check for \$250.00 (\$55.00 for extension of time, \$65 Late Declaration, and \$130 Petition) and
- (6) Return Postcard.

Date

4/28/04

Respectfully submitted,

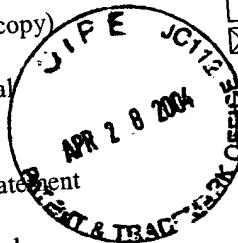
Deborah K. Fooths, CLA
Paralegal to Jennifer S. Sickler

Attorney(s): Jennifer S. Sickler
 Client/Matter#: 127976-1000
 Title: Vehicle Based Data Collection and Processing System
 Inventor(s): Chester L. Smitherman, et al.
 Assignee: M7 Visual Intelligence, LP
 Today's Date: 4/28/04 Due Date: 4/29/04 (3/29/04) Date Filed with USPTO: 9/18/03

Check Amount: \$250
 Serial/Patent No.: 10/664,737
 Issue Date:

APPLICATION FOR PATENT [Check all items that apply]:

- Spec pages Claims pages
- Drawings Sheets
- Declarations (inventors)
- Declaration (B. Perry)
- Appointment of Attorney (copy)
- Assignments (4) (copy)
- Continuation Divisional
- CIP Application
- Preliminary Amendment
- Information Disclosure Statement
- Utility Transmittal
- Fee Calculation Transmittal
- Amendment After Final



- Issue Fee Transmittal
- Copy of Letter to Leo Peters dated 9/26/03
- Notice of Appeal
- Maintenance Fee Transmittal Form
- Other: Copy of Notice of Incomplete Reply; late declaration fee \$65.00
- Response to Notice of Incomplete Reply
- Petition Under 37 CFR 1.47(a), w/\$130
- Petition for Extension of Time, w/\$55
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THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 10/664,737
Filed: September 18, 2003
Inventors: Chester L. Smitherman
Leo J. Peters III
Tuy Vu Mai
Title: Vehicle Based Data Collection and Processing System
Assignee: M7 Visual Intelligence, LP
Group Art Unit: 3661
Customer No.: 40184
Examiner: Unknown

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**RESPONSE TO NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL),
PETITION UNDER 37 CFR § 1.47(a) – REFUSAL TO SIGN, AND
PETITION FOR EXTENSION OF TIME**

Dear Sir:

I. RESPONSE TO NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

Assignee submits this Response to the Notice of Incomplete Reply (Nonprovisional), mailed January 29, 2004.

As required by the Notice of Incomplete Reply (Nonprovisional), Assignee submits herewith:

1. A Petition Under 37 CFR § 1.47(a) – Refusal to Sign, for inventor Leo J. Peters III, with the required \$130.00 fee;
2. A Petition for Extension of Time, with the required \$55.00 fee;
3. A copy of the Notice of Incomplete Reply (Nonprovisional); and

4. A late Declaration surcharge fee of \$65.00 for the Declaration of Tuy Vu Mai, filed October 20, 2003.

II. PETITION UNDER 37 CFR § 1.47(a) – REFUSAL TO SIGN

Assignee hereby petitions, pursuant to 37 CFR § 1.47(a), for the waiver of the requirement of 37 CFR § 1.63 that each inventor execute an oath or declaration. Assignee obtained ownership of said invention through Assignments from (1) inventors Chester L. Smitherman, Tuy Vu Mai, and Leo J. Peters III to Visual Intelligence Systems, Inc.; (2) Visual Intelligence Systems, Inc. to VISI Technology, Ltd.; and from (3) VISI Technology, Ltd. to M7 Visual Intelligence, LP. These Assignment have been recorded with the U.S. Patent and Trademark Office assignment records. *See Exhibit 1*, a true and correct copy of the Assignments. Assignee has appointed the undersigned to act on its behalf. *See Exhibit 2*, a true and correct copy of the Appointment of Attorneys Under 37 CFR §§ 3.71 and 3.73.

Inventor Leo J. Peters III has refused to execute the required § 1.63 declaration. Inventors Chester L. Smitherman and Tuy Vu Mai have both executed declarations. *See Exhibit 3*, a true and correct copy of the Declarations as filed on September 18, 2003 and October 20, 2003, respectively. Assignee has attempted to contact Mr. Peters at his last known address, 129 Phanturn, Bellaire, Texas 77401, on a number of occasions. Documentation of one of the attempts, as indicated by U.S. Express Mail receipt dated September 26, 2003, shows that Mr. Peters received a copy of the Declaration and Power of Attorney. *See Exhibit 4*, a true and correct copy of the cover letter dated September 26, 2003, detailing the contents of the mailing.

Inventor Leo J. Peters, III executed an Assignment on September 26, 2002, for this invention and related patent applications, which states that applicant will make rightful declarations and do everything possible to aid Assignee to obtain and enforce proper protection for the invention. This Assignment was recorded with the U.S. Patent and Trademark Office assignment records at Reel 013324 and Frame 0975. *See Exhibit 1*.

Assignee submits that Mr. Peters should be deemed to have received adequate opportunity to execute the Declaration. His failure to return the executed Declaration and his oral communications with

the undersigned, demonstrate his intention to refuse to participate in Application Serial No. 10/664,737.

See Exhibit 5, Declaration of R. Bradford Perry.

In light of the described situation, Assignee respectfully requests that the requirement for Mr. Peters to execute the § 1.63 oath or declaration be waived for Application Serial No. 10/664,737. The petition fee in the amount of \$130.00 as required by 37 CFR § 1.17(h) is enclosed herewith.

III. PETITION FOR EXTENSION OF TIME

Assignee hereby petitions for a one-month extension of time to file a response, from March 29, 2004 to April 29, 2004, pursuant to 37 CFR § 1.136(a). Assignee submits a check in the amount of \$55.00 pursuant to CFR § 1.17(a)(1).

IV. CONCLUSION

Assignee respectfully submits that all required parts for the application have been filed and that no additional fees are required. It is believed that no other fees are necessary. However, if this is incorrect, the Commissioner is hereby authorized to charge any underpayment, or credit any overpayment, to Deposit Account No. 07-0153 of Gardere Wynne Sewell LLP.

Dated:

4/28/04


Jennifer S. Sickler
Attorney for Assignee
Registration No.: 36,005
Gardere Wynne Sewell LLP
1000 Louisiana Street, Suite 3100
Houston, Texas 77002-5007
Phone: (713) 276-5382
Fax: (713) 276-6382
jsickler@gardere.com

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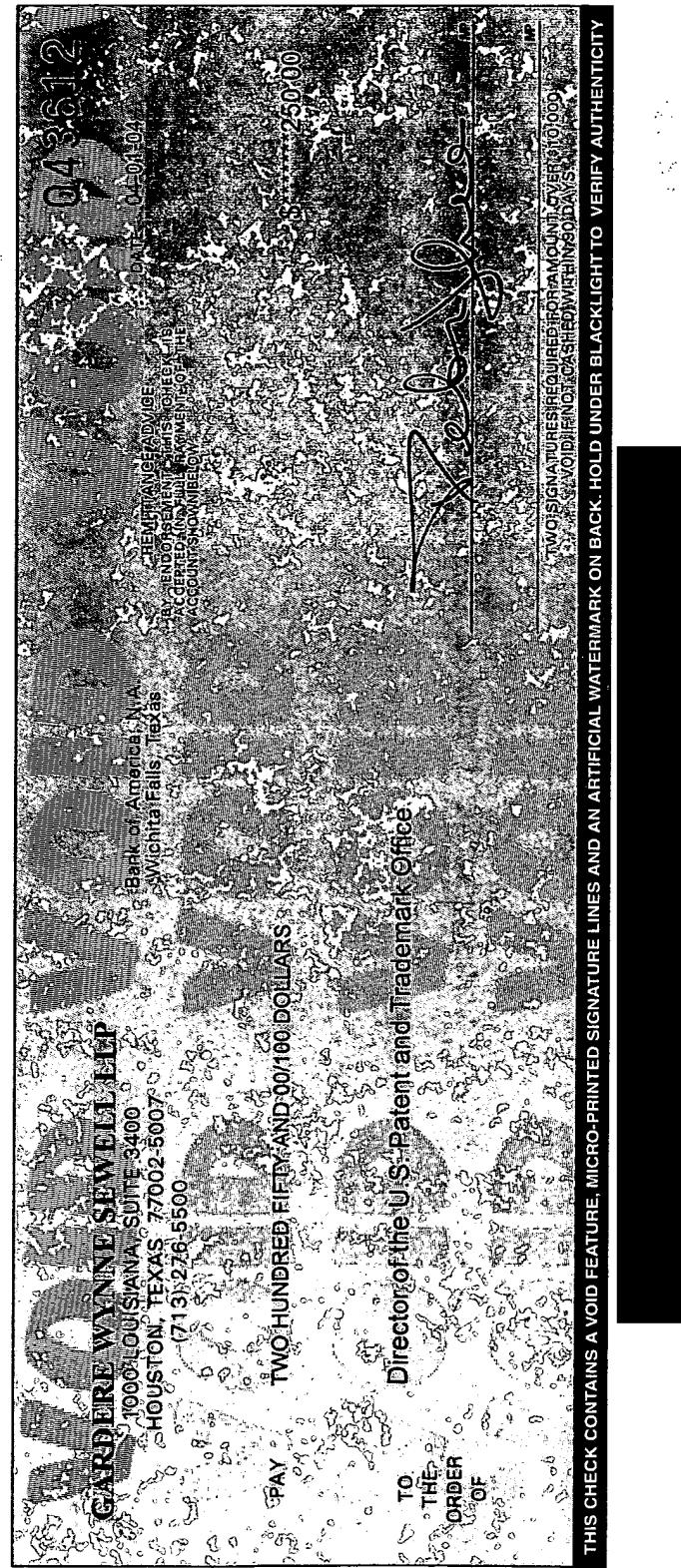
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Request Number:
Check Date:

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	Amount	Inv. Total
04-01-04	250.00	250.00
Invoice Totals:	\$250.00	\$250.00



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<input type="checkbox"/> Amendment After Final		

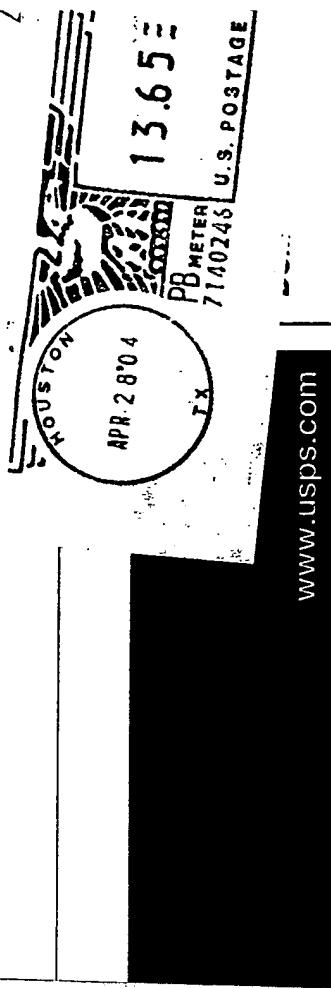
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